

IA 1506.01A US  
USSN: 09/295,856

PATENT  
Art Group: 2125

**REMARKS**

Claims 47, 50-59, and 62-78 are pending in the present application.

This Amendment is in response to the Office Action mailed May 2, 2003. In the Office Action, the Examiner requests a confirmation of provisional election without traverse for Group II, which includes claims 47-78. The applicant formally elects Group II, claims 47-78, and Group I, claims 21 and 79-81, are withdrawn.

In the Office action, the Examiner also rejects claims 47, 48, 52, 59, 60, and 64 under 35 U.S.C. § 102 (e) and claims 49, 50, 53-56, 58, 61, 62, 65-67, and 69-77 under 35 U.S.C. § 103 (a). Applicant has amended claims 47, 50, 51, 53, 57, 59, 63, 65, 69, and 71 and also cancels claims 48, 49, 60, and 61. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

**REJECTIONS UNDER 35 U.S.C. § 102**

In the Office Action, the Examiner rejected claims 47, 48, 52, 59, 60, and 64 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,822,291 issued to Brindze et al. ("Brindze").

The Examiner states Brindze discloses a method for providing selective access to data on an optical disc medium comprising providing said data for storage on said electronic storage medium, requesting that an identifier be incorporated on said electronic storage medium in conjunction with said data, wherein said identifier identifies a specific instance of said optical disc medium, wherein said identifier is read when said electronic storage medium is inserted into a device and said identifier is verified at a separate database; wherein access to said data is precluded upon unsuccessful verification of said identifier. Unlike the present invention, Brindze does not disclose providing pertinent user information.

To support a 102 rejection, the Examiner must show that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bro. v. Union Oil Co. of California, 814

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F.2d 628, 631 (Fed. Cir. 1987), (MPEP §2131). In addition, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), (MPEP §2131).

Since Brindze does not teach nor suggest of providing pertinent user information in conjunction with an identifier, it does not anticipate the current invention. Therefore, Applicant respectfully requests that rejection under 35 U.S.C. §102(e) be withdrawn.

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### **REJECTIONS UNDER 35 U.S.C. § 103**

The Examiner rejected claims 49, 50, 53–56, 58, 61, 62, 65–67, and 69–77 under U.S.C. § 103(a) as being unpatentable over Brindze in view of EP 0802527 as applied to claims 49, 50, 53–56, 58, 61, 62, 65–67, and 69–77 above. In addition, the Examiner rejected claims 51 and 62 as being unpatentable over Brindze in view of U.S. Patent No. 6,052,465 issued to Gotoh et al. ("Gotoh"). Claims 49 and 61 have been canceled. Applicant respectfully traverses the rejections on the remaining claims for the following reasons.

As stated above, unlike the present invention, Brindze does not disclose providing pertinent user information in conjunction with an identifier.

Gotoh discloses an optical disc barcode forming method that creates barcode like marks in a radial direction. Gotoh, however, does not disclose providing pertinent user information in conjunction with an identifier.

EP 0802527 discloses placing an identifier on the BCA during the replication process. It does not, however, disclose the pertinent user information in conjunction with an identifier.

Brindze, Gotoh, EP 0802527, taken alone or in combination, do not disclose, suggest, or render obvious the use of pertinent user information in conjunction with an identifier. This aspect of the invention is supported in the specification on pages 23-24, 32, and 41 and is recited in amended claims 47, 53, 59, 65, and 71.

Therefore, Applicant believes that independent claims 47, 53, 59, 65, 71 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 103(a) be withdrawn.

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**CONCLUSION**

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectfully submitted,

DISCOVISION ASSOCIATES

**OFFICIAL**

Dated: August 15, 2003

  
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